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Lead Counsel for Plaintiffs and the Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GIUSEPPE PAMPENA, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

ELON R. MUSK,

Defendant.

CASE NO. 3:22-CV-05937-CRB

**PLAINTIFFS' STATUS CONFERENCE
STATEMENT**

Date: April 18, 2025

Time: 10:00 a.m.

Judge: Hon. Charles R. Breyer

Lead Plaintiffs Brian Belgrave, John Garrett, and Nancy Price (“Plaintiffs”) requested a status conference to address (1) a **trial date** and related pre-trial deadlines and (2) **class notice**. After reviewing the parties’ positions, the Court set a status conference on April 18, 2025 and directed the parties to resolve class notice issues prior to the conference. ECF 150. The parties conferred and jointly submitted a proposed class notice plan, which was approved by the Court. ECF 186. Accordingly, Plaintiffs provide this brief statement focusing on a trial date and pre-trial deadlines.

Current Schedule

The current deadlines for fact and expert discovery and dispositive motions are as follows:

Event	Deadline
Fact Discovery Cut-off	March 31, 2025
Expert Disclosures Due	May 5, 2025
Rebuttal Expert Disclosures Due	June 2, 2025
Expert Discovery Cut-off	June 30, 2025
Last day to file Dispositive and Daubert Motions	July 11, 2025
Oppositions:	August 8, 2025
Replies:	August 22, 2025

ECF. 121.

The Parties recently submitted a stipulation and proposed order to move these dates by approximately one week to account for the unexpected delay in taking Defendant Elon Musk’s deposition. ECF 187. Plaintiffs originally noticed Musk’s deposition on March 11, 2025, and later agreed to reschedule the deposition at Musk’s request to April 3, 2025, in Washington DC, to accommodate his schedule. Plaintiffs also obtained a court order extending the discovery deadline to take the deposition. ECF 135. After Plaintiffs’ Counsel travelled to Washington DC and appeared at the agreed-upon date and location, Musk did not appear and his counsel said that

1 Musk was ill. The Court subsequently entered an order requiring Musk to reimburse Plaintiffs'
2 Counsel for their expenses and to appear for deposition in San Francisco on May 7, 2025. ECF
3 184.

4 **Proposed Trial Schedule**

5 This action, filed almost three years ago in 2022, is ready to be set for trial. Following
6 resolution of motion to dismiss in 2023, and class certification in 2024, discovery has moved
7 forward expeditiously (with the benefit of an agreement to use depositions taken in the 2022
8 Delaware action between Twitter and Defendant). With the exception of a few depositions set
9 after the fact discovery cutoff, fact discovery is largely complete and expert discovery will close
10 in July 2025. Similarly, dispositive and expert motions will be fully briefed no later than
11 August 2025.

12 The Parties will benefit from setting a firm trial date and related pre-trial deadlines. In
13 their prior Joint Status Report, both Parties proposed trial dates to the Court; Plaintiffs proposed
14 a trial date of October 6, 2025 and Defendant proposed March 2026. ECF 125.

15 Plaintiffs propose an October 27, 2025 trial date, with pretrial deadlines set in
16 accordance with this Court's Guidelines for Civil Jury Trials. Similarly, dispositive and
17 Daubert motions could be heard following a pretrial conference. The case should not languish
18 due to delays in Musk's appearance at deposition.

19 Dated: April 16, 2025

/s/ Mark C. Molumphy

Mark C. Molumphy

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